

Thursday, May 12, 1864
9 o'clock A.M.

Senate met. Prayer by the Chaplain, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt introduced a bill punishing offenses against foreign commerce. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. White introduced a bill to protect the rights of the people of Texas. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Jowers offered the following: *Resolved*, That this body will not entertain any business of a private or local character during its present session. The resolution was taken up for action. Mr. Harcourt moved to indefinitely postpone—lost.

Mr. Lea then moved to amend by inserting the word “merely” before “private;” lost. The resolution was adopted. Mr. Harcourt introduced a bill to punish persons who may act as agent for persons disaffected to the State. Read 1st and 2nd times and referred to Judiciary Committee.

On Mr. Lea's motion that portion of the Governor's message relative to currency was referred to Committee on Finance. On Mr. Selman's motion that portion relative to Penitentiary was referred to Committee on Penitentiary; that relative to military affairs was referred to Committee on Military Affairs; and those portions relative to the Military Board and the action of the Confederate Congress were proposed by Mr. Dickson to be referred respectively to Committee on State Affairs and Confederate Relations with instructions to the several committees to act jointly by their committees on the several matters referred, Mr. Harcourt offered the following: *Resolved*, That in response to the invitation of the House that the Committees of the two Houses should act in conjunction upon the Governor's message, the Senate respectfully suggests the impropriety of their joint action in Committees but will very cordially hold informal conference with the House committees. Adopted.

Mr. Ford introduced a bill to provide for a commercial agent and to prescribe his duties. Read 1st and 2nd times and referred to Committee on State Affairs.

The resolution relative to joint action of Committees on Finance in the Senate and House was laid on table.

A bill to incorporate the Cherokee Furnace Company having been announced was declared out of order under the resolution relative to private business.

Mr. Wootten moved to reconsider the vote adopting the resolution relative to private business. Lost.

Mr. Magoffin and Mr. Quayle were added to Committee on Military Affairs and Mr. Hord on Committee on Judiciary.

Mr. Wootten offered a resolution authorizing the Committee on Printing to contract for the printing of 2000 copies of the Governor's message. Postponed until tomorrow.

On motion the Senate adjourned until 9 o'clock A.M. tomorrow.

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Senate met. Prayer by the Chaplain, roll called, quorum present. The Journal of yesterday was read and adopted.

The Judiciary Committee through their Chairman Mr. Harcourt made the following reports:

The Judiciary Committee has duly considered a bill to be entitled an act amending the law concerning divorce and instruct me to report the same back to the Senate and recommend that it do not pass.

The amendment proposed is to authorize a divorce in favor of the wife, where the husband has gone to [sic] and joined the public enemy.

The Committee are of opinion that the terms "cruel treatment and outrages" employed in the statutes, fully embrace the grounds presented by the amendment, as it has been held by the Supreme Court, that any acts which affect the mental feelings and are inconsistent with the matrimonial relation: its duties, obligations, and affections, enter into the definition of legal cruelty.

If the wife does not sanction and approve the desertion of country and family by the husband, her mental sufferings would entitle her to a decision of separation, and no court or jury would hesitate to pronounce it.

Another amendment proposed by the bill is to authorize a divorce in favor of the wife when the husband has been convicted of a felony punishable by confinement in the penitentiary.